EXHBIT: _____*2*_____ 13 pages

PERFORMANCE APPRAISAL:

October 2003 The Same As March 2004

1.   These were my duties on paper? **This was not my job.**

2.   Management never defined my job duties.

3.   Which dates, were my performance papers signed?

4.   If my service was so poor, look at what management had to say about my performance on 10/30/2003.

5.   Management cannot show there was any contact of monthly reviews, there was no performance write-ups doing the last 6 months of service.

6.   Management was not certain about what they were saying.

EXHIBIT 5B

| **VA** Department of Veterans Administration | **PERFORMANCE APPRAISAL** |

APPRAISAL OF

NAME OF EMPLOYEE	SOCIAL SECURITY NUMBER	POSITION TITLE	SERIES	GRADE
Thomas, Larry	422—86—6480	Computer Specialist	2210	GS12

ORGANIZATION	RATING PERIOD
VA Central Alabama Veterans Health Care System	May 18, 2003 through March 31, 2004

PERFORMANCE PLAN COMMUNICATED

NOTE: Please attach Performance Plan.

DATE OF DISCUSSION	SIGNATURE OF EMPLOYEE	SIGNATURE OF RATER
10/30/03	*Larry Thomas*	

MID-APPRAISAL PERIOD PROGRESS REVIEW

DATE OF DISCUSSION	SIGNATURE OF EMPLOYEE	SIGNATURE OF RATER

RATING

CRITICAL ELEMENT (Insert brief description of each critical element)	RATING	
CUSTOMER SERVICE AND TEAM SUPPORT	☐ SUCCESSFUL	☐ UNACCEPTABLE
PROGRAM ADMINISTRATION	☐ SUCCESSFUL	☐ UNACCEPTABLE
TECHNICAL FUNCTIONS	☐ SUCCESSFUL	☐ UNACCEPTABLE
SYSTEM SECURITY	☐ SUCCESSFUL	☐ UNACCEPTABLE
(See addendum)	☐ SUCCESSFUL	☐ UNACCEPTABLE
	☐ SUCCESSFUL	☐ UNACCEPTABLE

DERIVATION OF SUMMARY LEVEL

PERIOD COVERED BY THE PERFORMANCE APPRAISAL		TYPE OF RATING	PERFORMANCE RATING
FROM	TO	☐ RATING OF RECORD	☐ SUCCESSFUL (No written justification required)
		☐ SUMMARY RATING	☐ UNACCEPTABLE (Written justification required)

SIGNATURE OF RATER	SIGNATURE OF APPROVING OFFICIAL (If applicable)	DATE

COMMENTS (May include significant achievements, accomplishments, etc. If additional space is needed, please continue on blank page and attach.)

The incumbent is the facility level VISTA Imaging/RAD Implementation Manager assigned to the facility CIO. The incumbent serves as a computer support specialist on the medical center's VISTA Imaging team with responsibilities for the management of the VISTA Imaging Computer system at the medical center. The incumbent will develop and maintain methods for managing the VISTA Imaging Computer System support workload, including evaluating, prioritizing, implementing and tracking a wide variety and large number of projects. Incumbent will develop quality assurance routines for analyzing effectiveness of PACS system, DICOM images, RAW modality images, etc. Serves as a backup systems manager for the VISTA Imaging System; provides planning assistance for the future development of VISTA Imaging within the medical center; guides the VISTA Imaging Systems Team; plans, formulates, and conducts user training sessions on VISTA Imaging; serves as medical center liaison with the national VISTA Imaging Implementation team to establish, develop, and implement new modalities within VISTA Imaging; does systems analysis concerning equipment needed for VISTA Imaging and resolves issues surrounding the VISTA Imaging hardware and software; coordinates work activities with other services and computer users throughout the medical center and the VISN. The incumbent reports to the facility CIO. In addition, the incumbent works closely with the Facility VISTA Imaging NT Implementation Manager to ensure optimal VISTA Imaging/Rad system operation and system availability 24 ours a day 7 days a week. The incumbent is responsible for the setup, maintenance of hardware and software, as well as training functions associated with the VISTA Imaging project.

In Lieu of **VA Form 3482b**, dated Feb 1997

VA Department of Veterans Administration	PERFORMANCE APPRAISAL

APPRAISAL OF

NAME OF EMPLOYEE	SOCIAL SECURITY NUMBER	POSITION TITLE	SERIES	GRADE
Thomas, Larry	422—86—6480	Computer Specialist	2210	GS12

ORGANIZATION	RATING PERIOD
VA Central Alabama Veterans Health Care System	May 18, 2003 through March 31, 2004

PERFORMANCE PLAN COMMUNICATED

NOTE: Please attach Performance Plan

DATE OF DISCUSSION	SIGNATURE OF EMPLOYEE	SIGNATURE OF RATER
10/30/03	Larry Thomas	

MID-APPRAISAL PERIOD PROGRESS REVIEW

DATE OF DISCUSSION	SIGNATURE OF EMPLOYEE	SIGNATURE OF RATER

RATING

CRITICAL ELEMENT (Insert brief description of each critical element)	RATING	
CUSTOMER SERVICE AND TEAM SUPPORT	☐ SUCCESSFUL	☑ UNACCEPTABLE
PROGRAM ADMINISTRATION	☐ SUCCESSFUL	☑ UNACCEPTABLE
TECHNICAL FUNCTIONS	☑ SUCCESSFUL	☐ UNACCEPTABLE
SYSTEM SECURITY	☑ SUCCESSFUL	☐ UNACCEPTABLE
(See addendum)	☐ SUCCESSFUL	☐ UNACCEPTABLE
	☐ SUCCESSFUL	☐ UNACCEPTABLE

DERIVATION OF SUMMARY LEVEL

PERIOD COVERED BY THE PERFORMANCE APPRAISAL		TYPE OF RATING	PERFORMANCE RATING
FROM 4/1/03	TO 3/31/04	☑ RATING OF RECORD ☐ SUMMARY RATING	☐ SUCCESSFUL (No written justification required) ☑ UNACCEPTABLE (Written justification required)

SIGNATURE OF RATER	SIGNATURE OF APPROVING OFFICIAL (If applicable)	DATE
W R Greer		4/26/04

COMMENTS (May include significant achievements, accomplishments, etc. If additional space is needed, please continue on blank page and attach.)

The incumbent is the facility level VISTA Imaging/RAD Implementation Manager assigned to the facility CIO. The incumbent serves as a computer support specialist on the medical center's VISTA Imaging team with responsibilities for the management of the VISTA Imaging Computer system at the medical center. The incumbent will develop and maintain methods for managing the VISTA Imaging Computer System support workload, including evaluating, prioritizing, implementing and tracking a wide variety and large number of projects. Incumbent will develop quality assurance routines for analyzing effectiveness of PACS system, DICOM images, RAW modality images, etc. Serves as a backup systems manager for the VISTA Imaging System; provides planning assistance for the future development of VISTA Imaging within the medical center; guides the VISTA Imaging Systems Team; plans, formulates, and conducts user training sessions on VISTA Imaging; serves as medical center liaison with the national VISTA Imaging Implementation team to establish, develop, and implement new modalities within VISTA Imaging; does systems analysis concerning equipment needed for VISTA Imaging and resolves issues surrounding the VISTA Imaging hardware and software; coordinates work activities with other services and computer users throughout the medical center and the VISN. The incumbent reports to the facility CIO. In addition, the incumbent works closely with the Facility VISTA Imaging NT Implementation Manager to ensure optimal VISTA Imaging/Rad system operation and system availability 24 ours a day 7 days a week. The incumbent is responsible for the setup, maintenance of hardware and software, as well as training functions associated with the VISTA Imaging project.

False Documents

In Lieu of **VA Form 3482b**, dated Feb 1997

Evaluation 10/30/03,   **EXHIBIT 5D**

TO: 14 - Clinical Information

FROM: HRMS-05

SUBJECT: Larry Thomas

RETURN FORM BY: 8/25/05

1. VA Policy requires a placement follow-up evaluation be conducted within the 60 to 90 day period immediately following the initial appointment of an employee, or a position change involving a significant change in duties and line of work.

2. It is our sincere desire to place each employee in a position suitable to their experience and training, and to assist them in adjusting to each new work assignment. To this end, it is required that the immediate supervisor evaluate the performance, conduct and general traits of the designated employee, in which all areas of the evaluation are to be mutually explored.

3. In those instances where the employee has not made a satisfactory job adjustment, the employee's supervisor will arrange to discuss this with the Personnel Management Specialist, assigned to their service. In those cases where it is clearly indicated that the employee's performance is satisfactory, and that they appear to be well-adjusted to the job, no arrangement to discuss the matter with the Personnel Management Specialist need be made.

4. With these instructions in mind, it is required that the supervisor fill out this form during a personal interview with the employee, and return to Human Resources Management Service (05) in a sealed enveloped within 10 days. It is required that both the employee and the supervisor acknowledge the accomplishment of this personal interview by signing the completed form.

PLACEMENT FOLLOW-UP EVALUATION

1. Has the employee received a copy of their position description/functional statement?

   _____√_____Yes _____No

   a. If no, please explain...

2. Has the employee received a copy of their performance plan? (ATTACH A COPY OF PAGE 1 OF THE PERFORMANCE APPRAISAL FORM, VAF 5-3482b).

   _____√_____Yes _____No

a. If no, please explain...

3. Has the employee had an opportunity to review their position description?

_____Yes _____No

a. If no, please explain...

4. Has there been a discussion of the <u>duties</u> of the position and <u>performance standards</u> with the employee?

_____Yes _____No

a. If no, please explain...

b. If yes, there were questions with respect to...

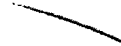5. Has the employee been advised as to how well they are meeting the requirements of their position?

_____Yes _____No

a. If no, please explain...

b. If yes, there were questions with respect to...

6. Does the employee readily accept their assignments?

_____Yes _____No

a. If no, please explain...

7. Does the employee accept supervision?

_____Yes _____No

a. If no, please explain...

8. Does the employee get along with their fellow workers?

YES w/ 1 NOTED EXCEPTION

_____Yes _____No

a. If no, please explain...

9. Does the employee comply with health care system rules and regulations?

_____Yes _____No

10. The employee's attendance record is rated as:

_____Satisfactory _____Unsatisfactory

a. If unsatisfactory, please indicate the number of days absent and reasons given...

11. The employee's tardiness record is rated as:

_____Satisfactory _____Unsatisfactory

a. If unsatisfactory, indicate the number of times late for work and the reasons given...

12. The employee's overall performance in present position is rated as:

_____Unsatisfactory _____Satisfactory _____Excellent

Performance Factors	Excellent	Satisfactory	Unsatisfactory
a. Knowledge of job	_____	✓ _____	_____
b. Quality of work Produced	_____	✓ _____	_____
c. Volume of work Produced	_____	✓ _____	_____
d. Dependability in Keeping work current	_____	✓ _____	_____
e. Organization of work- Does important things First	_____	✓ _____	_____

Performance Factors	Excellent	Satisfactory	Unsatisfactory
f. Initiative-goes ahead Without waiting to be told		✓	

13. Does the employee require additional training?

_____✓____Yes _____No

a. If yes, what plans are being made? EVALUATING NEEDS. PENDING OUTCOME TRAINING IS A VIABLE OPTION.

b. What assistance can Human Resources Management Service provide? NA

14. Did the employee attend the new employee orientation conducted by Human Resources Management Service?

_____✓____Yes _____No

a. If yes, indicate date _____

b. If no, please explain...

15. Is the employee familiar with the following Human Resources Management Service policies?

_____✓____Yes _____No

    a. Merit Promotion Policy

    b. Performance Appraisals

    c. Pay Administration

    d. Labor Management Relations

    e. Incentive Awards

    f. Injuries on the Job

    g. Leave Policy

    h. Hours of Duty

        i.   Employee Conduct

        j.   Discipline and Grievance Procedures

If no, please explain…

16. Are there any additional comments from the supervisor or employee?

                                             _____Yes ___/____No

a. If yes, please specify….

This form was filled out during a placement follow-up interview between the supervisor and employee, with the employee fully aware of the nature and purpose of this interview.

_____
Supervisor's Signature

_____
Employee's Signature

_____
Date

Attachment: VAF 5-3482b

Addendum to Performance Standards
(Reporting Period: May 18, 2003-March 31, 2004)
Effective October 1, 2003

Name of Employee: <u>Larry Thomas</u>

CRITICAL ELEMENT
<u>CUSTOMER SERVICE/QUALITY OF WORKING RELATIONSHIPS</u>: √ SUCCESSFUL __ UNACCEPTABLE
Contacts are handled with tact, diplomacy, understanding, support, skill and necessary teamwork to meet the specific needs of customers, both internal and external.

Displays positive attitude towards service mission and goals. Adheres to, and promotes, CAVHCS Core Values of Trust, Respect, Excellence, Compassion, Courage, Integrity, and Commitment in all contacts. Consistently contributes to the job performance, productivity and satisfaction of others. Positively responds to suggestions for improvement from supervisor or colleagues.

<u>SAFETY</u>: √ SUCCESSFUL __ UNACCEPTABLE
Care with which work is approached: consideration for safety of patients, visitors and fellow employees; compliance with safety policies.

Consistently observes safety rules and demonstrates safe work habits and practices consistent with VA/CAVHCS and other applicable policy and regulations. Keeps supervisor informed of any safety issues affecting patients, visitors and staff as they arise.

<u>INFECTION CONTROL</u>: √ SUCCESSFUL __ UNACCEPTABLE
Correctly and consistently follows infection control guidelines in all settings and at all times. Adheres to infection control guidelines appropriate to the work area assigned and in keeping with general practices of cleanliness.

Observes guidelines and demonstrates habits and practices consistent with VA/CAVHCS and other applicable policy and regulations. Keeps supervisor informed of any infection control issues affecting patients, visitors and staff as they arise.

<u>ADP SECURITY</u>: √ SUCCESSFUL __ UNACCEPTABLE
Knowledgeable of confidential matters and follows established controls; maintains the confidentiality of privileged information; maintains security and integrity of computer system through control of passwords and authorized use of access to various internet/intranet sites.

a.   Observes guidelines and demonstrates habits and practices consistent with VA/CAVHCS and other applicable policy and regulations.

b.   Ensures material or information of a confidential nature is protected from distribution to unauthorized individuals and/or groups.

I acknowledge that <u>I will be rated</u> on these <u>new</u> Performance Standards, <u>effective October 1, 2003</u>, <u>in addition</u> to the <u>current</u> Performance Standards I received at the beginning of this rating period.

_____ 10/30/2003   _____ 10/30/03
Employee Signature   Date   Supervisor Signature

DEFENDANT'S
EXHIBIT

CASE
NO. _2:05-437-_

EXHIBIT
NO. _6_

Larry Thomas, Computer Specialist, ▓10-GS12 , May 18, 2003 through Ma▓ 31, 2004

CUSTOMER SERVICE AND TEAM SUPPORT

Develops and maintains effective, professional relationships with other VISTA Imaging and medical center staff, veterans, and lividuals outside the agency in performing tasks, exchanging information, and in preventing and resolving problems which inhibit mission accomplishments.
SUCCESSFUL: Works effectively with others and actively takes part in projects or activities that cross team, service and organizational boundaries in support of goals and objectives.
SOURCE FOR MONITORING: Committee minutes, customer feedback, supervisor review.

Represents the Informatics department locally and externally to the extent that little or no criticism is received as a result of lack of preparation or non-responsiveness. Treats others with courtesy and respect, interacting in a way that promotes a harmonious and cooperative working environment. Gives objective appraisal of other staff's ideas.
SUCCESSFUL: Is prepared when meeting with customers so that little or no criticism is received because of lack of preparation or non-responsiveness. Remains cooperative and courteous when dealing with both internal and external customers.
SOURCE OF MONITORING: Customer feedback.

Maintains a climate of cooperation and helpfulness within the VISTA Imaging team, Clinical Informatics team, local Information Technology personnel, and coordinates with all departments and Service Lines to ensure that ADP objectives and goals are met. Responses cover all appropriate points and show flexibility in approach to resolving problems. Exercises patience and has realistic expectations in day-to-day operations, specifically in periods of understaffing, changes in priorities, and/or critical deadlines. Actively assists co-workers when workloads become unmanageable or overwhelming.
SUCCESSFUL: All VISTA Imaging projects are coordinated with our customers. Customers are notified of changes in ADP objectives. Assists other informatics staff when necessary to meet service line objectives.
SOURCE FOR MONITORING: Supervisor review, customer satisfaction surveys, customer complaints.

Ensures Information Technology staff receives training on new equipment, software, and application updates.
SUCCESSFUL: Training of Information Technology staff on new equipment, software, and application updates is consistently provided. Two instances or less of not providing training is acceptable.
SOURCE FOR MONITORING: Valid staff complaints, training package, supervisor review of training initiatives.

Ensures clinicians, nurses, HAS staff, and other users of VISTA Imaging application receive training on new equipment, software, and application updates.
SUCCESSFUL: Training of Imaging service providers, clinicians, nurses, HAS staff, and users of VISTA Imaging application programs is consistently provided. Two instances or less of not providing training is acceptable.
SOURCE FOR MONITORING: Valid staff complaints, training package, supervisor review of training initiatives.

PROGRAM ADMINISTRATION

Coordinates the day-to-day activities of the local VISTA Imaging team.
SUCCESSFUL: Teamwork objectives are coordinated to meet the goals and needs of the VA, VISN and the Medical Center. Three exceptions or less of not meeting or setting priorities are acceptable.
SOURCE FOR MONITORING: Valid complaints from customers, supervisor reviews.

Prepares problem tracking entries/annotations, other writing assignments and provides workload logs within specified time frames.
SUCCESSFUL: Accurately documents within established timelines. Three exceptions or less are acceptable.
SOURCE FOR MONITORING: Supervisor review of workload logs and assignments.

Responds in a timely manner to all requests for information, reports, and policies.
SUCCESSFUL: Advice is consistently provided without substantive errors. Three exceptions or less are acceptable.
SOURCE OF MONITORING: Valid customer complaints and/or customer surveys.

Ensures implementation of new or changed policies/procedures as directed by management within established and reasonable timeframes.
SUCCESSFUL: Policies and procedures are implemented within established timeframes.
SOURCE FOR MONITORING: Valid complaints from customers, supervisor review.

Larry Thomas, Computer Specialist, 2210-GS12, May 18, 2003 through May 17, 2006

Provides training and technical guidance to other local VISTA Imaging and Clinical Informatics team members.
SUCCESSFUL: Provides training, directions, useful information and operational guidance. Employees are competent to perform
L   s.
SOURCE FOR MONITORING: Customer support logs, supervisor review, training package.

Helps develop short and long-range goals in support of VHA, VISN and Medical Center performance standards.
SUCCESSFUL: Request for information and reports regarding meeting goals and performance measures are provided in a timely
manner.
SOURCE FOR MONITORING: Customer complaints, supervisor review of implementation of goals and performance measures.

TECHNICAL FUNCTIONS

Technical support is consistent without substantive errors of negative impact.
SUCCESSFUL: Accurate and responsive advice is given in determining causes and corrections to errors/problems. No more than
three instances of not meeting the specific measure are acceptable.
SOURCE FOR MONITORING: Supervisor review, customer satisfaction surveys, valid customer complaints.

Provides timely, accurate responses to questions, written requests and inquiries regarding technical aspects of the VISTA Imaging
program. Assists in planning information technology requirements and other technical evaluation as required. Performs thorough
analysis of systems-related requests and produces professional evaluation for the requester.
SUCCESSFUL: Stays focused on customer needs and is responsive. No more than three instances of not meeting the specific
measure is acceptable.
SOURCE FOR MONITORING: Supervisor review, customer complaints.

Ensures reliability of VISTA Imaging applications. Reacts and advises on problems that may render the system or data unavailable
for full use, reacts promptly and professionally to system or software-related crises, and does not expose system or data to
unwarranted risks.
SUCCESSFUL: VISTA Imaging availability is limited only to instances outside the control of the employee. Assures VISTA
       ging patches are current in the Test and Production Systems. No more than three instances of not meeting the specific measure is
a__eptable.
SOURCE FOR MONITORING: Review of system logs. Supervisor review of patch module, review of problem tracking logs,
customer service satisfaction survey.

Ensures VISTA system error logs and VMS Queues are monitored for Application and Device Errors. Ensures that VISTA system
activities are appropriately coordinated and that system optimization procedures are implemented, and that appropriate procedures are
followed to ensure data integrity and data restoration in the event of equipment failure or data corruption.
SUCCESSFUL: The employee will notify and if required work with Hardware staff on correcting printer problems. Device file and
Queues files are current and devices not in use are placed out of service. Users are notified if there is a problem with the users printing
to devices not available. Error logs will be monitored throughout the day. Errors associated with infrastructure hardware will be
corrected and errors associated with application software brought to the attention of the software support staff responsible for the
software application. No more than three instances of not meeting the specific measure is acceptable.
Source for Monitoring: Supervisor review of System and VISTA error logs, and device file. Customer complaints.

Employee is responsible for following nationally and VISN level operational procedures and for developing and implementing site-
specific VISTA operational procedures as needed.
SUCCESSFUL: VISTA Operational Procedures are current and updated as soon as changes in procedures or hardware are made.
Site specific operational procedures are appropriately documented and updated as necessary.
Source for Monitoring: Supervisor review of national, VISN and local VISTA Operating Procedures.

SYSTEM SECURITY

Ensures that printed and electronic files containing sensitive data are protected consistent with the Privacy Act of 1974 and other
applicable laws, Federal regulations, VA regulations and policy and VHA policy. Ensures sensitive data is released, disclosed,
altered, reproduced or deleted from electronic files on as authorized. Ensures that computers are accessed and access codes are
eleased on as authorized consistent with signed computer access agreements and accomplishment of the medical center mission.
Ensures that applicable Automated Information Security (AIS) policies are observed.

3

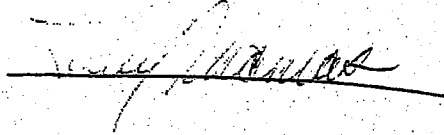Larry Thomas, Computer Specialist, 2210-GS12 . May 18, 2003 through March 31, 2004

SUCCESSFUL: Monitors, reports and corrects security breaches and violations. No incident of deliberate breach of security is permissible.
    arce for Monitoring: Review of system security logs, Information Security Officer review and yearly risk analysis, observation by supervisor of security practices.

The employee is responsible for developing and updating the local ADP Contingency and System Security Plans for VISTA Imaging. SUCCESSFUL: VISTA Imaging Contingency and System Security Plans are current and available. Source for Monitoring: Supervisor and Information Security Officer review of VISTA Imaging Contingency and System Security Plan.

4

Mid-Term Appraisal Comments
(Reporting Period: May 18, 2003-March 31, 2004)

Name of Employee: <u>Larry Thomas</u>

Due to an administrative clerical error L.Thomas failed to receive a copy of the VISTA Implementation Managers standards. He was issued a copy of the VISTA Implementation Managers standards on 30 October 2003. He did receive a copy of the Position Description upon arrival.

Both grammatical and spelling content contained in L.Thomas' electronic communications are inundated with errors to such an extent that L.Thomas must send outbound messages intended for a wide audience to the Clinical Team Leader for revision and proofreading. L.Thomas' produced training materials initially also contained errors in terms of grammatical and spelling content. L.Thomas is highly encouraged to correct this issue, as there is an expectation of clear communication both in oral and written format directly associated with his position as the VISTA Imaging Implementation Manager. Among options open to L.Thomas he may consider joining the CAVHCS Toastmasters organization as well as pursuing an academic course in basic English and composition.

During a recent VISN7 sweep of ADP assets Kazaa was discovered on L.Thomas's laptop. Larry indicated that this was his son's fault as he had used the asset. This means either the laptop was left unattended and logged-in or his son is aware of his password and username. L.Thomas stated that he would better control access to the asset.

As there are concerns regarding his performance and conduct L.Thomas will have monthly review of performance and conduct administered by his supervisor during the remainder of his probationary period.

Effective October 1, 2003, you will be rated on the attached new Performance Standards, in addition to the standards you received at the beginning of this rating period.

_____ 10/30/2003   _____ 10/30/03
Employee Signature   Date   Supervisor Signature   Date

Comments:

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